19. (Amended) The computer readable medium of claim 18, said instructions being further arranged to cause one or more processors upon execution thereby to perform the step of:

generating a second composite score, different than the first composite score, for each population member, wherein the second composite score indicates variance among the population; said each second composite score based on that population member's set for each strategy.

REMARKS

Claims 1-21 are active and pending in the present application, all of which stand rejected.

Claims 2-4, 14, 15 and 19-21 stand rejected under the first paragraph of 35 USC §112. In particular, the Examiner asserts that the claims recite "composite scores which indicate variance" and that such a recitation is not enabled by the specification. Compliance with the enablement clause of 35 USC. §112 requires that one reasonably skilled in the art could make or use the invention from the disclosure in the patent coupled with information known in the art without undue experimentation. *United States v. Telectronics, Inc.*, 857 F2d 778, 785, 8 USPQ2d 1217, 1223 (CAFC 1988). The specification need not disclose what is well-known to those skilled in the art and, in fact,

preferably omits that which is well-known to those skilled and available to the public. *In re Buchner*, 929 F2d 660, 611, 18 USPQ2d 1331 (CAFC 1991).

In response to the rejection under 35 USC §112, Applicant has amended claims 2 and 19 as included herein. Great care was taken to ensure that no new subject matter has been improperly introduced by any of the present amendments. The remaining rejected claims have not been amended.

Applicant urges that the claims are fully enabled by the specification. In particular, claim 1 recites generating a first composite score and claim 2 recites generating a second composite score. FIG. 1 depicts parallel steps **S110, S112** and **S114**, and the specification provides an accompanying description, wherein each of these steps generates a composite score for each population member using a different methodology. While the present invention is not required to, nor limited to, generating only 3 different composite scores, the specification clearly discloses first, second and third composite scores. The first exemplary composite score involves averaging rankings, for each member of a population, from different segmentation strategies. Applicant urges that calculating averages can be performed by one of ordinary skill without undue experimentation. The second exemplary composite score involves performing ANOVA analysis, for each member of a population, on their respective results from different segmentation strategies. Applicant urges that one of ordinary skill, especially given today's computerized statistical tools, can perform ANOVA analysis on data samples without undue experimentation. The third exemplary composite score, on page 8 of the specification, is generally described as "other statistical

combinations of the ranks from each segmentation strategy." One such combination is described in the specification as performing a weighted average rather than a straight average (as was done to generate the first composite score). Applicant urges that such a description, even without explicitly mentioning particular techniques of combining rankings, fully enables one of ordinary skill to perform such combinations that are well-known and well-understood in this field.

As the exemplary composite scores for each population member are constructed from individual segmentation strategies that, by definition, indicate variance among the population members, Applicant urges that one of ordinary skill would understand and recognize that each of the exemplary methods of generating a composite score produces a result which as compared to the other population members' composite scores is indicative of the variance among the customer population.

Thus, contrary to the Examiner's assertions, Applicant urges that the specification explicitly provides sufficient description and explanation of the invention to enable one of ordinary skill to "generate a second composite score ... for each population member, wherein the second composite score indicates variance among the population" and to similarly generate a third composite score. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under the first paragraph of 35 USC §112 of claims 2-4, 14, 15 and 19-21.

Claims 2-4, 14, 15 and 19-21 also stand rejected under the second paragraph of 35 USC §112 as being indefinite. The Examiner asserts that it is unclear what the second and third composite scores consist of that are recited in the claims. Compliance with the second paragraph of 35 USC §112 requires that one of ordinary skill be able to understand the scope of the claims when interpreted in light of the specification. Applicant urges that the specification, as described above (at pages 6 through 9), describes how to calculate at least three different exemplary composite scores and indicates that other possible composite scores can be calculated using known techniques for statistical combination. The terms and phrases recited in the claims correspond almost identically to the terms and phrases from the specification which are used in accordance with their accepted an understood meaning within this field. Applicant urges, therefore, that the second paragraph of 35 USC §112 has been complied with even though the claims do not positively recite what the composite scores "consist of" because one of ordinary skill in this art would have no difficulty in determining the scope of any of claims 2-4, 14, 15 and 19-21 when interpreted in light of the specification. Accordingly, reconsideration and withdrawal of the rejection under the second paragraph of 35 USC §112 of these claims is respectfully requested.

Claims 1-21 stand rejected under 35 USC §103 as being unpatentable over **Equifax** in view of **Mastering Data Mining**. The Examiner asserts that Equifax "discloses segmenting a population based on advanced statistical techniques combining multiple models in which the consumers are rank ordered as credit risks." The Examiner appears to indicate that this statement anticipates claim 1. However, in stating the

rejection, **Mastering Data Mining** is combined with the Equifax article because it "provides the rationale that combining multiple models yields better results."

Applicant urges that the single, un-detailed excerpt from the Equifax article is insufficient to identically disclose or suggest each and every feature recited in claim 1. In particular, it is unclear a) that the multiple models and the multiple predictive databases are identical to, or even suggestive of, the recited segmentation strategies and b) that each of these models and predictive databases are used to generate a score for every member of the population, as recited in claim 1. Furthermore, the claim requires that the first composite score (for each member) be a combination of every one of the different segmentation strategy results. The phrase "advanced statistical techniques" does not requires, and therefore does not identically disclose nor suggest, such a limitation.

The statement regarding the desirability of combining models from "Mastering Data Mining" can not be construed as broadly as the Examiner asserts to impact on the patentability of claim 1. More particularly, figure. 7.16 on page 214 provides a summary of what is meant by "combining" multiple models within this text. The second, third and fourth type of combinations indicate the sequential feeding of only the results of one model into a second model. Such a disclosure is not identical to, or suggestive of, running independent, multiple segmentation strategies in parallel and combining their results as recited in claim 1 (see page 1, 3rd paragraph of the specification for an explanation of this distinction.). However, the first combination method depicted in the figure does show running 3 models and then feeding their respective outputs into a

combiner. In contrast to the present claims, however, careful reading of the description which accompanies this figure shows that it is the input records that are being "segmented", i.e., only one of the plural models is used for any given input record. Accordingly, "Mastering Data Mining" does not disclose or suggest running more than one segmentation strategies against a population to generate for <u>each strategy</u> a score for <u>each population member</u> as recited in claim 1.

Applicant urges that the Examiner's unsupported conclusion that it would be obvious to combine different segmentation strategies is factually incorrect. In particular, one of the identified references, WO 00/34889 to Lee, on page 2 comes to an entirely different conclusion than that reached by the Examiner. Starting at line 21 through line 32, Lee teaches, in direct contrast to the presently claimed invention, that scores from different models <u>cannot be simply sorted from among different models</u> and goes on to explain why it would not be obvious to try to do so.

As the identified references do not, either individually or in combination, disclose or suggest every feature recited in claim 1, they do not provide that necessary factual basis required to establish a prima facie case of obviousness under 35 USC §103. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC §103 of claim 1, and dependent claims 2-4.

Independent claims 5, 16 and 18 each include a recitation of features that closely mirror the above-discussed features of claim 1. For the reasons just presented with

respect to claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC §103 of claims 5, 16 and 18 and all of their dependent claims.

SUMMARY

In view of the above remarks and amendments, Applicant believes that claims 1-21 are in condition for allowance and passage of this case to issue is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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